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# Headlines Highlights for RA's Tablet - MONDAY, March 17, 2014

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## Pittsburgh Post Gazette

Allegheny County air quality meets all PM2.5 federal standards for first time

March 15, 2014 12:02 AM

By Kaitlynn Riely / Pittsburgh Post-Gazette

Each air monitoring site for fine particulate pollution in Allegheny County met all federal standards in 2013, a first since monitoring began in 1999 and an accomplishment county Executive Rich Fitzgerald and the Health Department said they were proud to announce Friday.

"Today was a good milestone to celebrate, and realize that we can achieve what was thought to be a very difficult task," said Jim Thompson, deputy director of environmental health for the county health department.

But both health officials, as well as area environmental groups, said a good deal of work remains to improve air quality in the region.

"Of course, we are always glad to hear that air quality is improving," said Tom Hoffman,

Western Pennsylvania director for Clean Water Action. "That's an important thing."

Still, he referenced a report released in November by a center at the University of Pittsburgh Graduate School of Public Health, which said Allegheny County residents have a higher cancer risk due to air pollutants. And he pointed to reports that the Shenango coke works on Neville Island had one or more air violations on 330 days in a 432-day period over 2012 and 2013.

"I don't think it's fair to say that the air, particularly in the Liberty-Clairton area, is healthy yet," he said.

Liberty is the location of what has long been the "problem monitor," as Mr. Thompson put it, since it is downwind of what he called a "very large air pollution source," U.S. Steel's Clairton coke plant.

"It's also the river valley there, tends to trap the pollution that's there," he said. "Both of those factors make that area very challenging in terms of air pollution control."

The current U.S. Environmental Protection Agency standard for fine particulate pollutants, or PM2.5, is 12 micrograms per cubic meter. The 24-hour standard is 35.

The Health Department's eight air monitoring sites met both standards in 2013.

At the Liberty site, historically the worst for air quality, the annual average in 2013 was 12 micrograms and the 24-hour average was 31.1, with lower concentrations measured at the seven other sites in Avalon, Clairton, North Braddock, Harrison, Lawrenceville, North Park and South Fayette, which were already in attainment.

Mr. Thompson said that in recent years air pollution has been addressed through actions such as U.S. Steel investing in new coke batteries and low-emission quench towers at its Clairton site.

Courtney A. Boone, a spokeswoman for U.S. Steel, said the company was pleased by the air quality improvements, and said the company is "committed to continuing on this path forward."

Elsewhere in the county, Mr. Thompsons said changes such as the switch from coal to natural gas at the Bellefield Boiler plant in Oakland and the addition of scrubbers to the stacks at Bay Valley Foods on the North Side reduced the fine particulate matter being released into the air.

Upwind of the county, in places such as the Ohio Valley, air quality help has come from power plants switching from coal-fired to natural gas, he said.

"It's been a lot of hard work, both here locally, but also nationally, to make sure that the upwind pollution is not affecting us as much," he said.

PM2.5 levels are a concern locally and nationally.

"They're pretty much linked to anything negative you can think of for health concerns," such as

cardiovascular disease and cancer rates, said Jamin Bogi, policy and outreach director for the Group Against Smog and Pollution, or GASP

He, too, called the 2013 data for the Liberty air monitor "great news," but cautioned that it was only one year, and that differences in factors ranging from weather to the economy could cause the monitor to exceed standard levels again.

"We know that a lot of factors affect air pollution," he said.

To be in attainment of federal air quality standards by the EPA's 2020 deadline, the county must post three consecutive years of data showing each of its air quality monitors are at or below PM2.5 standards, which means the Liberty monitor must have good news the next two years.

Although the county's announcement Friday was about air monitors measuring fine particulate matter, the department has other air monitors for different types of air pollution.

A separate air monitor in Liberty has not yet reached the federal standard for sulfur dioxide levels, and the county has also not attained standard levels for ozone measurements at its three ozone monitors, Mr. Thompson said.

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# Charleston Gazette

## DEP: Freedom's cleanup firm cited for own MCHM spill

By David Gutman

CHARLESTON, W.Va. -- The company Freedom Industries hired to clean up after its Jan. 9 chemical leak has now been cited by the West Virginia Department of Environmental Protection for allegedly spilling that same chemical into a drainage ditch.

The DEP announced Friday that it had issued two "Notices of Violations" to Diversified Services for spilling the coal-cleaning chemical Crude MCHM at its headquarters in St. Albans.

The chemical spilled into a drainage ditch that empties into a tributary of the Kanawha River. There are no public-water intakes immediately downstream from the spill.

Diversified has, for years, transported MCHM for Freedom, and has been actively involved in cleaning up Freedom's Elk River tank farm, which contaminated the drinking water of 300,000 people in nine counties.

The DEP began investigating the spill a week ago Friday, after officials from the federal Environmental Protection Agency notified the state agency that there was a suspicious sheen in

the drainage ditch.

EPA officials, as well as FBI agents, were at Diversified last week as part of a separate federal investigation. Both Diversified and Freedom are under federal investigations, but U.S. Attorney Booth Goodwin, who is conducting the investigations, has consistently refused to comment on them.

Last week, the day before the spill was reported, FBI agents seized at least six computers, eight hard drives or USB drives and numerous paper documents and records from Diversified's headquarters, according to an inventory of the investigation.

The DEP took samples of the sheen material and told Diversified to contain the spill, which the company did, according to a DEP news release.

Tom Scarr, Diversified's lawyer, said the company has complied with all of the DEP's requests and even taken extra steps to contain the chemical.

The samples showed that MCHM was present in the drainage system, but the DEP doesn't know how much was spilled, the cause of the spill or the exact time it occurred.

Scarr said the DEP took three samples, all of which showed MCHM, but that none of the samples came directly from Diversified's property.

"We've done no dumping. We can't figure out where this came from," Scarr said. "There are other businesses in the area that use chemicals."

The DEP said Diversified was cited for failing to comply with two aspects of the company's stormwater permit. First, the company's permit states that, "All discharges covered by this permit shall be composed entirely of stormwater." Second, the company was cited because it did not take "all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment."

The company has until March 26 to provide a written response to the violations. Scarr said the company will respond by the deadline.

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# Salisbury Daily Times

Editorial: Trimming bay regulation funds to Maryland could backfire

## Trimming bay regulation funds to Maryland could backfire

Rep. Andy Harris, R-1st District, last week suggested action that at first blush should be of great appeal to Eastern Shore poultry farmers.

“Federal funds flow into the state, and if the state comes up with farmer-unfriendly policies that can harm the economy on the Eastern Shore, I may ask the federal departments to consider withholding money from the state of Maryland,” Harris said during the Shore delegation’s weekly meeting in Annapolis.

He was speaking about Maryland’s ongoing efforts to create a phosphorus management tool aimed at regulating fertilizer use by farmers in the state, including local poultry farmers. Environmentalists and the state believe the phosphorus-laden fertilizer is making its way into waterways and ultimately into Chesapeake Bay. Local farmers, of course, believe the sources of pollution are far more widespread.

If the next phosphorus plan from Annapolis is too harmful to farmers, then Harris said he could seek to intervene in Washington. Since federal dollars help fund environmental regulations in the state, the thought of turning off that spigot would seem to be of benefit to the Eastern Shore’s economy. You can’t enforce what you don’t fund.

The problem is this: Using the cutoff of dollars from Washington as leverage in one instance means leaders of other political persuasions could do so in another. What if another congressman were talking about cutting back on funding that does benefit farmers or the Eastern Shore region? What if a member of Congress wanted to cut back on federal education or highway aid to Maryland? Then local residents might not be so happy.

In his position in Congress, Harris could certainly use his leverage to help bring stakeholders together, including U.S. Environmental Protection Agency officials who want to put Chesapeake Bay on a “pollution diet.”

The best solution to the farmer/bay dilemma is to bring everyone to the table. Reducing conflict and building collaboration would allow for the taking of small and reasonable steps that each side can live with, even if begrudgingly. Such conversations now in Annapolis and Washington might help the Maryland Department of Agriculture develop a new phosphorus management tool (previous versions have been withdrawn) that everyone can accept.

That would be a productive development for the long run. And it would help ensure that threats of federal fund cutoffs don’t become a double-edged sword that could someday harm Delmarva.

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# Associated Press (W.Va.)

# Tanks coming down

By Jonathan Mattise Associated Press

CHARLESTON — Tucked between the Elk River and Charleston's hilltop airport, a tank cluster that leaked chemicals into the drinking water of 300,000 people shows few signs that it's on the brink of destruction.

Freedom Industries hit a deadline Saturday to start scrapping its chemical storage headquarters, a state order deemed both protective and symbolic. On Jan. 9, one of the company's 17 tanks oozed little-known liquids into the river below, and eventually, into the water plant 1.5 miles downstream. Nine counties couldn't use their water for up to 10 days.

Crews have carved a small patch out of one tank to remove chemical remnants inside, which state regulators have counted as meeting the deconstruction deadline. The tanks will be stripped down and sold for scrap metal. And at a date yet to be determined, the Freedom Industries site will be rendered unrecognizable along the river it polluted.

"It's symbolic, certainly," said Department of Environmental Protection Secretary Randy Huffman. "Not allowing a facility like that to ever be in that location again will also ensure that you won't have impacts from that site ever again to our water intake."

Public confidence remains shaky in the water supply and those tasked with protecting it. The disaster sparked sufficient outrage to prompt a rewrite of West Virginia law for owning aboveground storage tanks — particularly, ones close enough to a water supply to do damage.

Beverly Hager, who lives a block away from the tank farm, considered moving with her 6-month-old son and husband right after the spill. She said knocking down Freedom Industries provides some piece of mind.

"It shouldn't be that close to a water source to begin with," Hager said.

Federal officials are treating Freedom Industries like a possible crime scene and are still gathering evidence. U.S. Attorney Booth Goodwin assured safeguards are in place to collect what investigators need. FBI agents scoped out the faulty tank from the inside on Jan. 28, and visited the company's chemical hauling contractor, Diversified Services, on March 7. Some witnesses appeared in front of a grand jury last month.

The federal Chemical Safety Board has its own investigation.

Freedom Industries faces strict orders to let stakeholders know what they're doing on site. The company has to give a 48 hour notice to state environmental regulators and parties involved in various lawsuits and bankruptcy proceedings.

The World War II-era chemical tank that spilled had two holes, just a few millimeters each, and subpar last-resort containment walls. Nothing exploded or engulfed in flames, the usual reasons chemical facilities are ordered to be destroyed.

T2 Laboratories Inc. in Jacksonville, Fla. had to be decommissioned after an explosion killed four people and hospitalized 32 in 2007. So did Formosa Plastics, an Illinois facility that blew up in 2004, killing four employees and seriously injuring two others.

Conversely, the colorless pollutant crude MCHM, combined with stripped PPH, was noticeable in Charleston only because of its chemical black licorice odor.

“There are certainly other instances where facilities that were heavily damaged were dismantled after major accidents,” said Daniel Horowitz, Chemical Safety Board managing director. “What is perhaps unusual here is that the facility is largely intact, albeit with significant environmental concerns that will need remediation.”

The company’s neighbors can expect one more strong whiff of licorice when serious tank deconstruction starts, said Department of Environmental Protection spokesman Tom Aluisse.

Millions of gallons of the company’s chemicals are already gone, either sold off to competitors and suppliers or shipped to a coal facility in Pennsylvania. Freedom Industries’ 51 employees are looking for new jobs, and the company says it won’t be operational much longer after filing for bankruptcy Jan. 17.

U.S. Sen. Joe Manchin, D-W.Va., first publicly called for Freedom Industries to dismantle its Charleston location. The next day, the Department of Environmental Protection drafted the order, and Gov. Earl Ray Tomblin made it official on Jan. 24. Freedom Industries immediately opted to comply.

Even after the Freedom Industries tanks disappear, West Virginia Rivers Coalition Executive Director Angie Rosser said there is much left to learn. Changes to state law requiring more registrations and inspections will reveal the virtually unknown chemicals that threaten public water supplies, she said.

“It’s only addressing one facility,” Rosser said of the order to destroy the tanks. “We’re going to learn a lot more in the weeks and months ahead about the tank farms that exist around the state.”

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# Associated Press

## Storm closes federal offices in Washington

WASHINGTON (AP) - Federal offices in the Washington, D.C., area are closed as another

winter storm dumps snow across the region. The federal Office of Personnel Management announced the closings early Monday.

OPM says emergency and telework-ready employees required to work must follow their agency's policies, including written telework agreements.

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# Associated Press (W.Va.)

## EPA Takes Next Step in Rulemaking on Fracking Fluid Disclosure

By Alan Kovski

March 14 — The Environmental Protection Agency sent a “prerule” notice to the White House Office of Management and Budget on March 13 as a step in the EPA's efforts to determine what reporting it may require for chemicals used in hydraulic fracturing.

The EPA said in 2013 that it would develop an advance notice of proposed rulemaking on the subject, and that is what the agency's Office of Chemical Safety and Pollution Prevention sent to the OMB.

The agency is using its authority under the Toxic Substances Control Act (TSCA) to determine what reporting it may require on fracking chemicals and how to handle information that is claimed to be trade secrets (133 DEN A-5, 7/11/13).

The EPA has not yet decided whether it will issue a proposed rule. The agency said March 14 it will use the information gathered in response to the advance notice to determine if further action is needed.

Hydraulic fracturing is widely used to enhance oil or natural gas production, especially from shale layers. Chemicals are added to the water and sand in the fracking fluid to control such factors as the viscosity and friction of the fluid and to limit corrosion and microbial growth in a well.

The basic chemicals in fracking fluids are widely known, but the specific details for each well often are incompletely disclosed, often because they are claimed to contain confidential business information.

### **Public Involvement Sought**



The EPA has said it will initiate a rulemaking proceeding under TSCA sections 8(a) and 8(d) to obtain data on chemical substances and mixtures used in hydraulic fracturing. The agency has not committed to a specific rulemaking outcome.

The EPA has said it will invite states, industry, public interest groups and members of the public to provide their views on the design and scope of the reporting requirements that would be included in a proposed rule.

The agency has said it wants to ensure any reporting burdens and costs are minimized.

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# Pittsburgh Post Gazette

## Report: More dangerous radioactive waste near Apollo than first thought

March 15, 2014 12:06 AM

By Amy McConnell Schaarsmith / Pittsburgh Post-Gazette

A nuclear waste dump in Armstrong County where radioactive materials were buried in the 1960s and 1970s contains more dangerous weapons-grade uranium and plutonium than originally thought, calling into question federal oversight of the waste's disposal and greatly complicating its cleanup, according to a report released earlier this month by the federal Nuclear Regulatory Commission's own investigators.

Much of the waste was produced during the process of manufacturing fuel for commercial nuclear power plants and the Navy's nuclear submarines, along with other nuclear manufacturing and decontamination processes, by the Nuclear Materials and Equipment Corp. (NUMEC) and Atlantic Richfield Co. The Babcock and Wilcox Co. most recently owned the land before closing the plant in 1983.

The report from the regulatory commission's Office of Inspector General, in response to questions from U.S. Sen. Bob Casey, D-Pa., to the commission, describes a record-keeping system of the nuclear waste disposed of in 10 unlined burial trenches at the 44-acre Shallow Land Disposal Area as incomplete, with many records apparently missing or superficially written.

And because no one knows exactly what is contained in the waste site, and how much of it is there -- information that became classified in 2012 -- efforts to clean up the site have been placed on hold while the Army Corps of Engineers makes a plan to deal with even the most dangerous types of waste.

For Armstrong residents who live in the area, about 30 miles northeast of Pittsburgh along the banks of the Kiskiminetas River in Apollo and nearby Parks, the slow pace of cleanup and concerns about the Nuclear Regulatory Commission's handling of it has begun to call into question the commission's credibility and accountability, according to Mr. Casey. (*Read our August 2012 profile on neighbors in the area.*)

"I think people are willing to accept that cleanup takes a while, but when all this time goes by -- more than a generation -- when people don't know what's there, the scope of it and when the decommissioning will be completed, that uncertainty coupled with the potential danger creates a lot of worry," Mr. Casey said.

The Army Corps of Engineers had to stop removal of the waste in May 2012 after crews discovered greater-than-expected quantities of what nuclear regulators called "complex materials," such as uranium and plutonium, at the site.

Corps officials are now creating a proposal for how to handle the more complicated and potentially dangerous materials at the site, and will likely present the proposal to the public in late April or early May for a hearing and a 30-day commentary period, according to corps spokesman Dan Jones.

After a contract is awarded to a remediation company by next January, he said, work to prepare the site will occur throughout 2015 and excavation will begin in 2016. Completion of the project is expected in approximately 10 years, he said.

Monitoring of air and of groundwater by the corps on-site and by the federal Environmental Protection Agency in the nearby vicinity -- including samples taken from the river and from an abandoned coal mine beneath the dump site, according to EPA officials -- has shown no leakage of any radioactive materials, he said.

With the site in apparently stable condition, corps officials want to take the time to clean it properly, Mr. Jones said.

"We are going to make sure we clean this site safely and effectively, and time isn't a factor," he said. "We want to make sure we keep the public as safe as possible."

Because of the more-dangerous nature of the nuclear waste that might be present, and the precautions that must be taken and preparations made as a result, estimates for the cost of the cleanup have risen from the \$40 million originally planned to as much as \$500 million, he said.

The waste in the approximately 500-foot-long trenches, he said, lies as close as 4 feet below surface and up to 20 feet deep, with a total expected volume of 25,000 cubic yards.

But the records on which the corps based its original plan vastly underestimated the amount of nuclear waste at the site, according to interviews with NUMEC's former president and with one of the company's former scientists.

The company's former president also concluded that the documents on which the corps based its decision "grossly underestimates the amount of SNM [special nuclear materials] and special isotopes buried at the site," according to the report.

The former NUMEC scientist told the inspector general those isotopes include uranium-233, enriched uranium-235 and other radioactive waste, the report states. Uranium-233, along with highly enriched uranium-235 and plutonium, are considered "strategically significant material" in quantities greater than 2 kg because of their "risk or potential for direct use in producing fissile material or creating a fissile explosive," the report states. The Department of Homeland Security now guards the site.

The scientist, after reviewing the Army Corps' Record of Decision of its planned method of cleanup that had been approved by the Nuclear Regulatory Commission, noted that "it did not even reflect 5 percent of the material that was in the trenches, he approached the [corps] to communicate this disparity."

The scientist, who worked for NUMEC from 1960 to 1971 and was responsible for burying nuclear waste in the trenches during part of that time, prepared a report in May 2011 for the corps' contractor for the cleanup, describing what he knew about the NUMEC plant's products and services, processes and operations, waste and disposal of materials in the trenches.

He prepared the report for the contractor and delivered it before excavation began and nearly a year before contractors encountered the "complex materials."

Because what was in the those trenches was troubling, the NUMEC scientist told investigators.

In addition to nuclear waste from its own manufacturing plants, NUMEC accepted waste from outside entities, including several hundred drums of waste from the federal government's Pluto Project, which developed nuclear-powered ramjet engines for use in cruise missiles; waste from Westinghouse Astronuclear National Laboratory, where NUMEC was a subcontractor; and waste from other facilities at the special request of the Atomic Energy Commission itself -- even as the commission was also serving as the company's inspector.

In addition, the report states the former president "later learned that the company's health physicist, who was responsible for determining the amounts of materials in the drums prior to burial, was not very good and his measurements of the quantities were poor."

*Amy McConnell Schaarsmith: aschaarsmith@gmail.com or 412-608-3618.*

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# Washington Post

## Sunshine Week: Transparency issues persist with Obama administration

**By Josh Hicks, Updated: March 17 at 6:00 am**

Sunday marked the start of Sunshine Week, a time when government-transparency advocates promote their cause and issue reports gauging the openness of federal agencies.

The findings have never been great for the current administration, which promised to be the most transparent in history on the day President Obama took office. In recent years, most agencies have not fully complied with Freedom of Information Act (FOIA) requirements.

This year's reports show improvement in some areas, but still much to be desired by news organizations and open-government groups such as the Center for Effective Government and the National Security Archive.

An Associated Press analysis of federal data found that the Obama administration has grown more secretive over time, last year censoring or outright denying FOIA access to government files more than ever since Obama took office.

The administration has also cited more legal exceptions to justify withholding materials and refused to turn over newsworthy files quickly, and most agencies took longer to answer records requests, according to the AP study.

A separate report this week from the National Security Archives found that 54 percent of all agencies have ignored directives that Obama and Attorney General Eric Holder issued in 2009 calling for a "presumption of disclosure" with FOIA requests. The good news: That number is down from about 70 percent of agencies last year.

The National Security Archives also found that nearly half of all federal agencies have not updated their FOIA regulations to comply with 2007 amendments Congress made to the law. The changes require agencies to cooperate with a new FOIA ombudsman in the Office of Government Information Services and report specific data on FOIA output, among other provisions.

The National Security Archive, which claims to file more FOIA requests than any other group, gathers and publishes declassified U.S. government files, with a focus on U.S. foreign policy documents.

The Center for Effective Government is scheduled to release its annual government-transparency report on Monday at 10 a.m.

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